

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

2005 OCT 28 A 9:22

ANTHONY T. LEE, et al.,)
Plaintiffs,)
UNITED STATES OF AMERICA)
Plaintiff-Intervenor and Amicus Curiae,) CIVIL ACTION NO.: 3:70cv846-T
NATIONAL EDUCATION ASSOCIATION, INC.,)
Plaintiff-Intervenor,)
vs.)
MACON COUNTY BOARD OF EDUCATION, et al.,)
Defendants.)

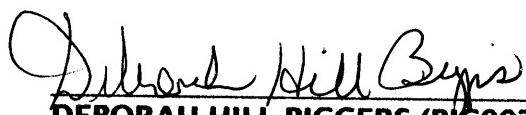
MOTION FOR APPROVAL OF NOTICE

Comes now the Macon County Board of Education and moves the Court for approval of the following, copies of which are attached:

1. Notice of Hearing on Motion for Declaration of Unitary Status and Possible Termination of Macon County School Desegregation Case to be published in newspaper;
2. Notice of Hearing on Motion for Declaration of Unitary Status and Possible Termination of Macon County Desegregation Case to be provided to parents of students enrolled in the school system;
3. Objection/Comment Form; and

4. List of school board documents which will be available to the public.

Done this 27th day of October, 2005.



DEBORAH HILL BIGGERS (BIG002)
Attorney for Macon County Board of Education
113 East Northside
Tuskegee, Alabama 36083
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**Macon County Board of Education
501 South School Street, Tuskegee, AL 36083
(334) 727-1600**

**NOTICE OF HEARING ON MOTION FOR DECLARATION OF
UNITARY STATUS AND POSSIBLE TERMINATION OF MACON
COUNTY BOARD OF EDUCATION SCHOOL DESEGREGATION CASE**

The Macon County Board of Education hereby gives notice of a hearing which could result in termination of the school desegregation case, *Lee vs. Macon County Board of Education*. In August 1963, the Macon County Board of Education was ordered to immediately take steps to desegregate the schools in Macon County, Alabama. In 1963 and 1964, the U.S. District Court found it necessary on four different occasions to enjoin Governor George C. Wallace and other state officials from interfering with the desegregation of the Macon County School System.

In subsequent years, the Macon County Board of Education assumed the affirmative duty to eliminate all vestiges of illegal segregation to the extent practicable and to comply in good faith with all court orders.

According to the 2000 Census, Macon County, Alabama has the second highest percentage of black population among the nation's counties, which is 84.6%.

On October 28, 2005, the Board filed a motion with the U.S. District Court, requesting the Court to declare that it has achieved unitary status and that court supervision is no longer necessary. The attorneys for the Plaintiffs and the United States have not objected. Copies of documents about this process are available for review at the Central Office of the Macon County Board of Education at 501 South School Street, Tuskegee, Alabama, and may be viewed between 9:00 a.m. and 4:00 p.m. Monday through Friday from November 3, 2005 to November 22, 2005.

Judge Myron Thompson, United States District Court Judge has scheduled a hearing for December 19, 2005 at 9:00 a.m. in the United States Courthouse, 15 Lee Street, Montgomery, Alabama 36104 to determine whether or not the motion by the Macon County Board of Education should be granted.

The hearing is open to the public and the Court invites objections and comments from any interested parties. Written objections and comments are requested to be made on forms which are available at the Central Office for the Macon County Board of Education and in the principal's office at all Macon County Public Schools. Written comments and objections must be submitted to the Court at the address indicated on the form and must be postmarked no later than December 1, 2005.

If you have any questions, you may contact Counsel for the Macon County School District: Deborah Biggers at (334) 727-0092; Counsel for Private Plaintiffs: Fred Gray, Jr. at (334) 727-4830; or Counsel for the United States: Pauline Miller at (202) 514-2179.

A copy of this notice is to be provided to each parent or guardian of a student enrolled in the Macon County School District and posted at all Macon County Public Schools, the Macon County School District Central Office and the Macon County Courthouse. The posting of this notice shall be from November 3, 2005 to November 22, 2005.

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**OBJECTION/COMMENT TO DECLARATION
OF UNITARY STATUS AND POSSIBLE TERMINATION
OF MACON COUNTY SCHOOL DESEGREGATION CASE**

1. Please Print:

Name: _____

Address: _____

Telephone No.: _____

2. Are you a Student?

Parent of a Student?

Concerned Citizen?

3. Please state your objections/comments:

You may attach additional sheets. Please put your name on each sheet.

Signature

MAIL TO:

**Office of the Clerk
Middle District of Alabama
Post Office Box 711
Montgomery, Alabama 36101**

FORMS MUST BE POSTMARKED NO LATER THAN DECEMBER 1, 2005.

**LIST OF DOCUMENTS TO BE MADE
AVAILABLE AT SCHOOL BOARD OFFICES**

1. Motion for Declaration of Unitary Status;
2. History of litigation in Lee v. Macon as it pertains to the Macon County Board of Education;
3. The total student population of the Macon County School System for academic years 2000-2001 through 2004-2005; and racial breakdown of students at each Macon County School during these time periods;
4. The name and race of every principal, vice principal or assistant principal for each school in the Macon County School District beginning with the 2000-2001 school year to the 2005-2006 school year;
5. A color copy of maps illustrating Macon County attendance zones for 2004-2005 and 2005-2006 school years;
6. A copy of the Macon County Board of Education's 5 year Capital Improvement Plans and amendments or revisions thereto from 1999 to the present;
7. Copies of bus routes for each school for the 2005-2006 school year; and
8. A listing of the number and racial makeup of the faculty at each school in the district

CERTIFICATE OF SERVICE

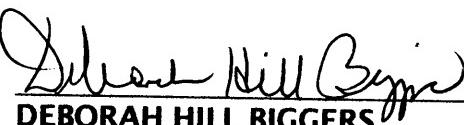
I hereby certify that on this 27th day of October, 2005, I electronically served the foregoing upon the following counsels of record:

Hon. Fred D. Gray, Jr.
Counsel for Lee Plaintiffs
and NEA Plaintiff-Intervenor
FGrayjr@glsmgn.com

Hon. Pauline A. Miller
Counsel for the United States
Pauline.A.Miller@usdoj.gov

Hon. Norman J. Chachkin
Counsel for Lee Plaintiffs
NAACP Legal Defense Fund
and Educational Fund, Inc.
NCHACHKIN@NAACPLDF.ORG

Hon. Reginald Sorrells
Counsel for the Alabama State
Department of Education
rsorrells@ALSDE.edu



DEBORAH HILL BIGGERS
Attorney for Macon County Board of Education